

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|--------------------|---|------------------|
| JIMMY LYN FARRELL, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| vs. |) | No. CIV-06-726-C |
| |) | |
| WARDEN FRANKLIN, |) | |
| |) | |
| Respondent |) | |

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Doyle W. Argo, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Argo entered a Report and Recommendation on August 11, 2006, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

Petitioner merely restates the grounds asserted in his petition and does not address his failure to exhaust available administrative remedies, except to generally complain that the Department of Corrections loses paperwork and considers itself above the law. These are not allegations sufficient to overcome the legal and factual conclusions announced in the Report and Recommendation.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, dismiss this petition for habeas corpus relief without prejudice. A judgment will enter accordingly.

IT IS SO ORDERED this 25th day of August, 2006.



ROBIN J. CAUTHRON
United States District Judge